

REMARKS

This communication is in response to the Office Communication mailed June 6, 2004. Applicants hereby reiterate their election, with traverse, of the species Ribi Adjuvant system based adjuvants made in response to the Restriction Requirement mailed February 19, 2004. Applicants reserve the right to pursue, without prejudice, the subject matter of the non-elected groups and/or species in a subsequent divisional, continuation and/or continuation-in-part application.

With regard to the Examiner's assertion that Applicants' response filed March 19, 2004, was not fully responsive, Applicants respectfully traverse and submit that the response was fully responsive, with a complete listing of claims, including withdrawn claims and elected claims readable on the elected species. For the convenience of the Examiner, Applicants provide a complete listing of the pending claims on pages 2-14 of this response and the following additional listing of all the claims, including those readable on the species elected in response to the Restriction Requirement mailed February 19, 2004.

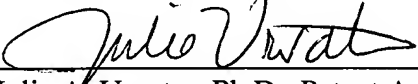
As noted in the Restriction Requirement mailed February 19, 2004, claims 1-35, 37, 38 and 58-109 are pending in the application. Claims 1-34, 38, 58-62 and 70-103 are withdrawn from consideration. Claims 35, 37, 63-69, 104-109 are subject to restriction requirement in that the Examiner alleged in the Restriction Requirement mailed February 19, 2004, that the non-specific immune response enhancers recited in claims 105/107 are chemically and physically distinct. As noted in the response filed March 19, 2004, Applicants respectfully request that the Examiner consider examining the non-specific immune response enhancers recited in claims 105 and 107 as well as the elected species, Ribi Adjuvant system based adjuvants, in a single application. The non-specific immune response enhancers recited in claims 105 and 107 are related one to the other in that each of the recited compounds is, as the generic claim suggests, a non-specific immune response enhancer. Applicants submit that it would not be an undue burden on the Examiner to search the subject matter recited in claims 105 and 107.

Accordingly, in summary, claims 35, 37, 63-69, 104-109 are currently under consideration. Claims 37, 69, 105, 107, and 109 specifically read on the currently elected Ribi Adjuvant system based adjuvants species of non-specific immune response enhancers.

Application No. 09/276,484  
Reply to Office Communication sent June 4, 2004

Consideration of the elected claims is now requested.

Respectfully submitted,  
Seed Intellectual Property Law Group PLLC

  
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